

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MARGARET HORN §
§
§ CIVIL ACTION
vs. §
§ NO. _____
§
DOLLAR GENERAL CORPORATION § JURY

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Dollar General Corporation (“DGC”), the Defendant herein, respectfully submits the following notice of removal.

I.

DGC is the Defendant in litigation now pending in the 86th District Court of Kaufman County, Texas, Cause No. 110207, styled “*Margaret Horn v. Dollar General Corporation.*” The suit filed against DGC is a civil action seeking damages for alleged personal injury arising from a slip-and-fall that allegedly occurred on the premises of the Dollar General store in Forney, Kaufman County, Texas, on or about July 16, 2021.¹

II.

Both at the time of the filing of Plaintiff’s Original Petition and at the time of the filing of this Notice of Removal, Plaintiff was, is, and continuously has been an individual citizen of the State of Texas with her place of residence in the state of Texas. Both at the time of filing Plaintiff’s Original Petition and at the time of the filing of this Notice of Removal, Defendant

¹ As set forth in DGC’s answer filed in the state court suit, DGC is neither the owner nor operator of the subject Dollar General store located in Forney, Texas. Instead, the sole and exclusive owner and operator of the

DGC was, is, and continuously has been a corporation organized and existing under the laws of the State of Tennessee and having its principal place of business in the State of Tennessee. Thus, Defendant is a corporate citizen of the state of Tennessee. There is, therefore, diversity of citizenship between the parties.

III.

The amount in controversy in this matter, exclusive of interest and costs, exceeds the sum or value of \$75,000, as evidenced by the allegation on page 1 of Plaintiff's Original Petition, where Plaintiff expressly alleges that she seeks recovery against Defendant for "monetary relief no greater than \$250,000."

In addition, Plaintiff alleges on page 2 of her Original Petition that she "suffered *severe* physical injuries" as a result of the alleged slip-and-fall. *Plaintiff's Original Petition*, p. 2, ¶ 6.01 (emphasis supplied). In addition, Plaintiff further alleges that as a result of her injuries, she "has suffered the following damages:

- a. Reasonable expenses for necessary medical care in the past and future for Plaintiff;
- b. Pain and suffering in the past and future;
- c. Physical impairment in the past and future;
- d. Disfigurement, past and future; and
- e. Loss of use."

Id. Consequently, Defendant submits that it is apparent from the face of Plaintiff's Original Petition that the amount in controversy in this case is in excess of \$75,000.

subject Dollar General store is Dolgencorp of Texas, Inc.

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IV.

This Court has jurisdiction and this action is properly removable based upon diversity of citizenship under 28 U.S.C. §1332, et seq. Pursuant to 28 U.S.C. § 1664, Defendant DGC has removed this action to this Court within the time specified by law.

V.

Pursuant to Local Rule CV-81(c), attached hereto are (1) an index of all attached documents, (2) a list of all parties in the case, their party type and current status of the removed case (pending), (3) a copy of the Docket Sheet in the State Court action, (4) all pleadings (excluding discovery material) filed in the State Court action, Cause No. 110207, 86th District Court of Kaufman County, Texas, (5) a complete list of all attorneys involved in the action, (6) a record of which parties have requested trial by jury, and (7) the name and address of the court from which the case has been removed.

PRAYER FOR RELIEF

Wherefore, premises considered, Defendant prays that the action now pending in the 86th District Court of Kaufman County, Texas be removed to this, the United States District Court for the Northern District of Texas, Dallas Division.

Respectfully submitted,

BY:



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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

On March 17, 2022, I electronically submitted the foregoing document with the clerk of court of the U.S. District Court, Northern District of Texas, using the electronic case files system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).


MICHAEL A. HUMMERT